

Exhibit 1



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507**

Office of
the Chair

March 22, 2005

TO: Naomi C. Earp
Vice Chair

Leslie E. Silverman
Commissioner

Stuart J. Ishimaru
Commissioner

FROM: Cari M. Dominguez
Cari M. Dominguez
Chair

SUBJECT: Notation Vote on Scheduling a Commission Meeting with Less Than One Week's Notice Pursuant to the Sunshine Act to Consider the Spring 2005 Regulatory Agenda

In order to ensure compliance with the government-wide publication deadline for the President's Regulatory Agenda, I am scheduling a Commission meeting for Thursday, March 24 at 1:00 p.m. for the purpose of voting on the Commission's Spring 2005 Regulatory Agenda. The Agenda was circulated for notation vote last week and one "agenda" vote was cast yesterday. As explained in the attached memorandum from the Associate Legal Counsel, the Sunshine Act provides that a Commission meeting may be held with abbreviated public notice when a majority of the Commission members determines that agency business requires fewer than seven days' notice. Accordingly, for the reasons given in Legal Counsel's memorandum, I am circulating for notation vote a request that the Commission vote to approve scheduling a Commission meeting on the Spring 2005 Regulatory Agenda with less than one week's notice.

cc: Leonora L. Guarraia
Chief Operating Officer

Stephen Llewellyn
Acting Executive Officer
Executive Secretariat

Peggy R. Mastroianni
Associate Legal Counsel



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507**

Office of
Legal Counsel

March 22, 2005

TO: Cari M. Dominguez
Chair
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FROM: Peggy R. Mastroianni
Associate Legal Counsel

RE: Abbreviated Public Notice for a Commission Meeting

Under the Sunshine Act, an agency is generally required to provide public notice of meetings at least seven days in advance. 29 CFR 1612.7. There are, however, exceptions to this general requirement. 29 CFR 1612.7(c). One of the exceptions provides that a meeting can be held with less than seven days notice when a majority of the members of the Commission determines that agency business requires that any such meeting or series of meetings be held at an earlier date. 29 CFR 1612.7(c)(1). Thus, if three Commissioners determine that agency business requires fewer than seven days notice, the meeting can be held.

The item at issue is the Commission's submission for the President's Regulatory Agenda. The Agenda is usually published around May 15, by GSA in coordination with OMB/OIRA. Galleys of the publication are distributed around May 1. This year, GSA set a deadline for agencies' submissions of March 18, 2005. We received an informal extension from GSA to cover the voting period for this item, which was submitted under the notation voting process. We understand that an "agenda" vote was cast and that therefore approval cannot be obtained in the notation vote process. We believe that, due to the deadline established by GSA and the limited extension, the Commissioners could determine that agency business requires that a meeting be held with less than the usual seven days notice.

If a majority of the Commission does vote to give less than seven days notice, the agency is still obligated to give public notice at the earliest practicable time. 29 CFR 1612.7(c).

cc: Lea Guarraia